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"Recommendations" is what President Butler appropriately calls a "luminous commentary," by James Brown Scott, Director of the Division of International Law of the Carnegie Endowment for International Peace. The book closes with the provision of law declaring the international policy of the United States, a provision found in the "Statutes at Large of the United States," volume 39 (64th Congress), page 618, a statute framed and introduced by two members of the Executive Committee of the American Peace Society, the Honorable James L. Slayden and Honorable Walter L. Hensley.

In these piping times when our views relating to the outside world seem to be suspended between the dilemma of an irreconcilable President on the one hand and an irreconcilable opposition on the other; at a time when a war is being waged between Poland and Russia along a battle front of 400 miles, with the possibility of extending itself through Finland and on to the Baltic; at a time when the Italian Premier has fallen because of his leaning toward a reconciliation with the Russian Bolsheviks; at a time when the acid tests of an enlightened foreign policy seem all to have broken down, the supreme duty of intelligent America is to acquaint herself with the foreign policy that has been hers, for any successful policy for the years immediately before us can be developed only out of a perfect familiarity with those foreign policies, be they policies which have failed, or those which have succeeded.

## LET THE WAR HYSTERIA CEASE

**I**T IS time for the hysterias of war to cease. Searching houses, seizing property, arresting persons without warrant, is war. As a writer in the *New Republic* phrases it:

"Mr. Palmer and his counselors and agents have inspired and have conducted a reign of mass-law, of mass-inquiries, mass-searches, mass-seizures, mass-raids, mass-arrests, mass-incarcerations, violating in principle the spirit of law and violating inhumanly in practice the specific purposes of the Bill of Rights of the Constitution—all to the knowledge of members of the House of Representatives and all without impeachment by the House."

Such behavior, characteristic of war, should not be possible in times of peace.

A resolution has been introduced into the House of Representatives proposing the impeachment of Louis F. Post, Assistant Secretary of Labor, because Mr. Post has dismissed some of the aliens charged with offenses said to warrant their exportation. The resolution against Mr. Post does not charge any corrupt or wrongful conduct. The only suggestion urged against him is that he has erred in the exercise of his judgment as a quasi-

judicial officer. It is not proved that he has even misinterpreted the law, or that he has disobeyed or departed in any respect from the instructions of his superior officer, the Secretary of Labor. On the contrary, it appears that the specific American things which Mr. Post has done are to refuse to exact excessive bail; to refuse to compel men to be witnesses against themselves; to insist upon speedy hearings for the accused; to insist upon due process of law in each case, assuming the presumption of innocence provided for under the principles of American freedom; to refuse to recognize the validity of illegal searches and seizures; to require that the accused be informed of the nature of the accusation against him; to grant the right of the accused to counsel. Surely such a behavior is warranted by the laws laid down by the courts. To condemn Mr. Post for such behavior is simply war hysteria.

At this writing we are informed, however, that the House committee, abandoning the impeachment proceedings, will probably censure Mr. Post and recommend his removal. Even this is an extra-constitutional usurpation of authority on the part of the committee. With the exception of its power to impeach, the Congress is not a condemning but a legislative body. From our point of view, it seems quite absurd and indefensible for a committee of Congress formally to criticise an officer of another division of the government, equal and co-ordinate with the legislative. It would be not only extra-constitutional, it would be a meddling and improper interference. Such a committee has no more right to behave in such a way than it would have to recommend to the President its candidate for the position of Secretary of State. Action against Mr. Post seems to us a part and parcel of the war hysteria.

What is needed now is not repression, but discussion. As Mr. Glenn Frank, writing in the *Century* for July, 1919, turns the thought:

"Government by discussion breaks down the tyranny of fixed custom; continuous public debate on public problems is the root of change and progress; community discussion breeds tolerance; it makes for steady, instead of intermittent, progress. In fact, common counsel, public debate, community discussion, call it what you will, underlies the constructive solution of all the vexed situations that a nation faces in a time of readjustment and change."

We need to return now to the rights of the forum, lyceum, chautauqua, and free speech everywhere. The movement among universities for public discussion, package libraries, and informing service of the University Extension divisions in the States is in the right direction. We are told that the State universities find it possible to conduct some kind of public discussion and informing service now in practically every State, and

this for the benefit of the whole people. As the free schools constitute the paramount idea in our democratic tradition, the participation by all in the give and take of public discussion should be encouraged, not discouraged. The very life of our democracy depends upon that.

## THE TASK FOR THE LEAGUE OF NATIONS

THE Council of the League of Nations is carrying on; but whether upward or downward remains to be seen. At this writing the fifth session of the Council is meeting in Rome, but its friends recognize its handicaps. It has not been able to perform its chief function of avoiding war, illustrated by the concrete war now on between Russia and Poland. Indeed, we are told that it is not planning even to discuss that war at the meeting in Rome. The Council was unable to avoid the Ruhr Valley incident, which the Germans reasonably claim was definitely the business of the League to avoid. The real international work in Europe is being done not by the League, but by the allied Supreme Council—a war organization dominated by England and France.

European indifference to the League is acknowledged by its friends. As Charles A. Selden, cabling to the *New York Evening Post*, admits, the friends of the League are for the most part convinced that the big questions must be left alone, on the ground that it would be fatal to undertake anything at this time "that would break the League's back." Mr. Selden adds: "They realize and admit that the League has not yet come into its own; that it is having a none-too-robust infancy, and that it is placed in an awkward position by the temporary indifference of the people and the long-continued activity of the Supreme Council."

While it is hoped in Europe that the United States, having retired permanently from the Allied Supreme Council, will eventually come into the League; that the League will continue to do effective and useful work of a non-political, non-controversial sort, thus fulfilling its secondary purpose, all are quite aware of the handicaps due to the marked reactions toward nationalism in all countries, and to the complications of internal politics. An organization without as yet a local habitation, the outlook for the League is not bright. The commonwealths of Europe are concerned primarily, at the moment, with their own political and economic problems, problems producing a profound depression and unrest, as also much human misery. Great Britain has experienced a setback of its hopes in the League, indeed of its hopes in treaties of peace generally.

*The Round Table*, a quarterly review of the politics of the British Commonwealth, acknowledges in its March number that the American Senate has in its reservations to the treaty expressed the views of all the signatories. Because of the covenant, England realizes that she is now in an equivocal position. She sees that the covenant is both too vague and too precise; that the *freedom* planned for under certain sections of the covenant may be lost under the operation of other sections, providing for *joint action*. As a result of the treaty, the British Dominions have become more self-centralized and less co-operative.

Already there is a growing demand in Britain for a revision of the obligations under the League. Britain believes that her pledges are too strong; that England should do her utmost to guarantee peace, liberty, and law throughout the world, but that this cannot be accomplished by quixotic obligations to foreign States. It is more and more agreed that Britain has assumed under the treaty responsibilities which she cannot discharge; that the time is at hand for her definitely to denounce the idea that the League of Nations may normally enforce its opinions by military or economic pressure upon recalcitrant States. It is argued that the Imperial War Cabinet of Great Britain must go on, and that Britain's action under the treaty must be directed solely by her own judgment. It must be said that these are discouraging facts for the League.

And yet Great Britain will do everything in her power to assist and to develop the simpler mechanisms of international dealing embodied in the League. The same thing is true of France, of Germany, of the United States, and of the rest of the world. In our judgment, the Council of the League should concentrate its attention upon this encouraging fact. In this stage of international development it is not necessary to insist that nations must in the name of international peace mortgage their freedom and judgment of action under an international covenant. Discussion there must be. Mechanism for the development and extension of the discussion, and of the habit of international co-operation, must be provided. An atmosphere of fairness and good-will, too, is indispensable. Great Britain realizes that for the maintaining of peace within her own empire it will be necessary for a "continuous consultation and co-operation by ministers responsible to all the British parliaments." If that is so of the British Empire, it is so of the society of all the nations. If only the Council of the League should see its way clear to turn its attention to the development of its assembly into a periodic conference of all the nations to the upbuilding of international law, and then to turn in and help to develop the work of the Hague conferences into the